IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ILLINOIS

SANTANA RILES,)	
Plaintiff,)	
v.)	Case No. 18-CV-1913-JPG-RJD
TARA RACKLEY,)	
Defendant.)	

DALY, Magistrate Judge:

This matter is before the Court on Plaintiff's Motion for Leave to File an Amended Complaint (Doc. 37). Defendant did not file a response. For the reasons set forth below, the motion is **GRANTED**.

ORDER

Plaintiff, an inmate in the custody of the Illinois Department of Corrections, filed this lawsuit pursuant to 42 U.S.C. §1983. Plaintiff alleges that, during his incarceration at Menard Correctional Center ("Menard"), Nurse Tara Rackley was deliberately indifferent when he sought treatment for a spider bite. Plaintiff's claim in this case was severed from other claims and characterized as follows:

Count 1: Eighth Amendment deliberate indifference claim against Rackley for failing to promptly treat Plaintiff's venomous spider bite.

Plaintiff seeks leave to amend his complaint to remove the excess allegations that do not concern the remaining Defendant in this case and to clarify his claims. Plaintiff's proposed amended complaint does not add new claims or new defendants.

Federal Rule of Civil Procedure 15(a) provides that a party may amend a pleading and that leave to amend should be freely given "when justice so requires." The Seventh Circuit maintains Page 1 of 2

a liberal attitude toward the amendment of pleadings "so that cases may be decided on the merits

and not on the basis of technicalities." Stern v. U.S. Gypsum, Inc., 547 F.2d 1329, 1334 (7th Cir.

1977). The Circuit recognizes that "the complaint merely serves to put the defendant on notice

and is to be freely amended or constructively amended as the case develops, as long as amendments

do not unfairly surprise or prejudice the defendant." Toth v. USX Corp., 883 F.2d 1297, 1298 (7th

Cir. 1989). A court may also deny a party leave to amend if there is undue delay, dilatory motive

or futility. Guise v. BMW Mortgage, LLC, 377 F.3d 795, 801 (7th Cir. 2004).

Plaintiff's proposed amended complaint is timely and does not cause undue delay.

Defendants do not object to the motion to amend and will not be unfairly surprised or prejudiced.

For the foregoing reasons, Plaintiff's Motion for Leave to File an Amended Complaint (Doc. 37)

is **GRANTED**. The Clerk of Court is **DIRECTED** to file Plaintiff's proposed amended

complaint as the First Amended Complaint.

Plaintiff proceeds on the following claim:

Count 1:

Eighth Amendment deliberate indifference claim against Rackley for failing

to promptly treat Plaintiff's venomous spider bite.

IT IS SO ORDERED.

DATED: October 17, 2019

s Reona I. Dalu Hon. Reona J. Dalv

United States Magistrate Judge